IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 22587 of 2006(L)

OS.499/2000 of II ADDL.M.C.,TRIVANDRUM
.....

PETITIONER:

INTEGRATED FINANCE COMPANY,
REP. BY SHAJI MONI, REGIONAL MANAGER,
M/S.INTEGRATED FINANCE COMPANY LTD.,
THIRUVANANTHAPURAM BRANCH,
KARIMPANAL STATUE AVENUE, STATUE ROAD,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.R.JAGADISH KUMAR

RESPONDENT:

N.SREEKUMARAN NAIR,
VADAKKEPUTHEN VEEDU,
ERAVOOR, ARYANAD.

BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 22587 OF 2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE JUDGMENT IN OS NO.6570 OF 2002 OF TE CITY CIVIL COURT CHENNAI.

EXT.P2 : TRUE COPY OF EXECUTION PETITION IN RESPECT OF OS NO.6570/02 AS EP NO.215/06 OF THE SUB COURT, THIRUVANANTHAPURAM.

EXT.P3 : TRUE COPY OF THE EA NO.792/2006 IN EP 215/06 OF THE SUB COURT, THIRUVANANTHAPURAM.

EXT.P4 : TRUE COPY OF EA 628/06 IN EP 2/03 IN OS NO.499/2000 BEFORE THE MUNSIFF COURT.

EXT.P5 : TRUE COPY OF THE ORDER IN EP NO.2/2003 IN OS NO.499/2000 BY THE SECOND ADDL. MUNISFF COURT, THIRUVANANTHAPURAM DT.27.07.2006.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 22587 OF 2006

Dated this the 27th day of July, 2007

JUDGMENT

The persuasive submissions of Mr.M.Balagovindan notwithstanding, I do not find any warrant for interfering with Ext.P5 in the visitorial jurisdiction of this Court under Article 227. As rightly submitted by Mr.R.S.Kalkuara, the execution petition filed by the respondent is a petition for executing the decree of mandatory injunction only and not for execution of the money decree. As far as the money decree is concerned, the respondents have filed an application for setting aside the decree which was passed ex-parte against them before the trial court. As for the mandatory injunction decree under execution the petitioner has filed an appeal. It is for the petitioner to get stay from the appellate court. Even as I confirm Ext.P5, the order of stay will continue for another one more month so as to enable the petitioner to move the appellate court.

PIUS C. KURIAKOSE, JUDGE

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